

## **Compliance with Website Requirements of the E-Government Act of 2002**

The E-Government Act of 2002 requires that the court provide access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format. This applies to all written opinions issued after *April 16, 2005*.

For the purposes of the Act, the official guidance is that “written opinion” is defined as, “any document issued by a judge or judges of the court, sitting in that capacity, that sets forth a reasoned explanation for a court’s decision.” This definition is clarified by the following points:

1. The responsibility for determining which documents meet this definition rests with the authoring judge, and the determination shall be made at the time the document is filed;
2. The decision as to whether a document meets this definition is not the same as the decision about whether an opinion is to be published;
3. The definition is expressly intended to cover reports and recommendations issued by magistrate judges at such time as any action is taken by a district judge on a report and recommendations issued by a magistrate judge, and also includes a summary order adopting such report and recommendations;
4. The definition is not intended to include routine, non-substantive orders such as scheduling orders or rulings on motions for extension of time; and
5. In the courts of appeals, only those documents designated as opinions of the court meet the definition of “written opinion.”

A combination of CM/ECF and the PACER systems satisfy the searchability requirement, as these systems allow for searching within a document. CM/ECF only accepts documents in portable document format (PDF) which is text searchable except for scanned documents. CM/ECF has been modified to ask a user filing on behalf of a judge whether the document being filed meets the definition of “written opinion” at the time of docketing in CM/ECF.

### **NOTICE**

Written Opinions filed after April 16, 2005, are now searchable and available at no cost to ECF and PACER users.

#### **ECF USERS:**

Enter your ECF login and password and click on the "Reports" option on the blue menu bar. Click on the "Written Opinions" report to search for opinions or to view case specific opinions filed after April 16, 2005. You will NOT be prompted to enter your PACER login and password.

#### **PACER USERS:**

Enter your PACER login and password and click on the "Reports" option on the blue menu bar. Click on the "Written Opinions" report to search for opinions or to view case specific opinions filed after April 16, 2005. You will NOT be charged for running this report or viewing, printing or saving opinions listed on this report. To avoid billing charges, ALWAYS use the "Written Opinions" report to view, print or save court opinions.